

Applicants : Jonathan J. King et al.
Appln. No. : 09/692,663
Page : 12

REMARKS

Reconsideration of the application as amended is requested. Applicants note with appreciation the Examiner's indication that claims 1-6, 11-24 and 27-33 are allowed, and that claim 10 contains allowable subject matter. Claim 10 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims, such that claim 10 is now believed to be in condition for allowance.

Claims 7-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Powell et al. U.S. Patent No. 6,349,516, and claims 25 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by MacDonald U.S. Patent No. 6,817,147. Applicants respectfully assert that all of the pending claims, as amended herein, patentably distinguish over the cited references.

Claim 7 has been amended to recite a partition system including at least two side-by-side partition frames, and at least two horizontally extending raceways. Each raceway defines an elongated passageway extending between opposite ends of the raceway, and the elongated passageways of the raceways are aligned with one another and form a substantially continuous unobstructed horizontal passageway above the partition frames permitting utility lines to extend substantially uninterrupted horizontally along and between the partition frames. The aligned horizontal passageways formed by the raceways is shown in Figs. 1, 2, 7 and 9 of the present application.

In contrast to the arrangement recited in amended claim 7, the ends of cable troughs 123 of Powell '516 are positioned directly adjacent extension posts 24 (Fig. 8), such that extension posts 24 block the cables, and the cables are routed around the extension posts 24. Col. 7, lines 35-37. Also, the cable troughs 123 of Powell '516 route cables below rigid tubular section 45 within the interior of extension panel assemblies (Fig. 1) which are closed off by cover panels 160. Thus, Powell '516 is substantially different both structurally and conceptually from the elevated raceway arrangement recited in amended claim 7. Extensive modification of Powell '516 would be required to provide the arrangement of amended claim 7, and Powell '516 does not teach or suggest such modification.

Applicants : Jonathan J. King et al.
Appln. No. : 09/692,663
Page : 13

Claims 8 and 9 depend from claim 7, and are therefore believed to be allowable for those reasons set forth above in connection with claim 7.

Claim 25 has been amended to recite that the pair of extensions are joined together at base end portions of the extensions, and extend away from the base portions in a cantilevered manner and define free end portions opposite the base end portions. The free end portions of the extensions extend inwardly towards one another and into selected ones of openings on opposite side faces of a vertical frame member. The clip further includes a pair of flexible legs that are joined together at base end portions of the flexible legs, and the base end portions of the flexible legs are also joined to the base end portions of the extensions. The flexible legs extend away from the base end portions of the flexible legs in a cantilevered manner and define a space therebetween. The legs have free end portions positioned adjacent one another whereby the legs can be flexed apart to form an enlarged gap between the free end portions of the flexible legs for insertion of utility lines into the space.

In contrast to the arrangement recited in amended claim 25, the clip of MacDonald '147 is U-shaped with a base portion 6 and a pair of arms 7 extending from the base 6. Claim 25 recites two cantilevered extensions and two cantilevered flexible legs, all of which have free end portions and joined together base portions. Because MacDonald '147 only discloses two arms, MacDonald '147 cannot anticipate claim 25 as amended herein.

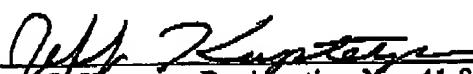
Applicants have made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,

4/11/06

Date

JSK/cmu


Jeffrey S. Kapteyn, Registration No. 41 883
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610